

REMARKS/ARGUMENTS

This Application stands finally rejected on all pending Claims. The Applicant has filed a Notice of Appeal. This response is filed in lieu of filing an appeal brief.

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These remarks will begin by presenting the Applicants' perspective and response to the argument presented by the Examiner in the last action regarding the independent Claims.

This is followed by arguments for the dependent Claims arranged in much the same fashion as in the Examiner's most recent action, but with a clustering of dependencies based on the basis for rejection thereof.

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The Applicant believes that the following arguments are sufficient to overturn the rejections of these claims, and respectfully requests that the Examiner remove the rejections.

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Rebuttal of Examiner's Response to Arguments

The Applicant will first address problems in the Examiner's response to the Applicant's Arguments. The Examiner's arguments fail to meet the standard of substantive evidence as outlined in MPEP 2114.03 and the failure of her reliance upon common knowledge. Specifically, the information on which she relies is incapable of instant and unquestionable demonstration as being well-known, as required in MPEP 2114.03), based on the reference "Stay in Tune with RESPA" provided by the Applicant. Further, she has not placed what information she has provided into an affidavit (as required by 37 CFR 1.104(d)(2)).

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The Examiner has asserted that it would be obvious for one of ordinary skill in the art to combine the invention disclosed in the Fraser et al (5,995,947) and Tengel et al (5,940,812) as well as Teixeira et al and Graf (6,192,347). This assertion appears to be based on a personal experience made of record in the current Office Action, and discussed in detail further below.

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The rule for such combination requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings

5 The Examiner has not cited any motivation in the references themselves for such combination. It appears that the sole motivation for combination provided by the Examiner is the personal experience of the Examiner, which reads as follows in the recent Office Action:

10 *“... the Examiner has the past experience of purchasing a home and applying for a mortgage because the originator was not my broker. My originator collected the data for the loan application from me, the documents were generated and then the loan application was sent to my broker to shop for the best interest rate for my loan. What the loan broker provides that the loan originator does not provide is shopping for a good interest rate for the customer. The loan origination fee was paid at closing*
15 *on the mortgage loan in compliance with the Real Estate Procedures Act. In fact, I was requested to read a copy of the Real Estate Procedures Act prior to the finality of the closing. Therefore, what steps are novel about the invention that is not being done when a person applied for a mortgage?”*

20 The Applicant has provided written evidence of a publicly available document, the article “Stay in Tune with RESPA”, filed as an appendix in the response mailed on June 8, 2004, which argued against a reasonable expectation of success for a loan originator such as a real estate agent, CPA, attorney, etc. providing these elements to earn revenue from the loan origination fee paid at closing. The Examiner’s above quoted remarks have the following defects:

25 The Applicant affirms that the Examiner’s remarks regarding her experiences can, if appropriately and legally presented, be considered as grounds for combining references. However, the Applicant asserts that the Examiners statement above remarks fails on several grounds.

30 The rules are stated at least partly in MPEP 2114.03 entitled “Procedure for Relying on

Common Knowledge or Taking Official Notice” page 134 of the 8th edition 5th revision of August, 2006, which reads as follows (Note that all punctuation is as found in the MPEP):

“The standard of review applied to findings of fact is the “substantial evidence”
standard under the Administrative Procedure Act (APA).

...

It would not be appropriate for the examiner to take official notice of facts
without citing a prior art reference where the facts are asserted to be well known
are not capable of instant and unquestionable demonstration as being well-
known.

Further in paragraph C of the section on page 135:

If the examiner is relying on personal knowledge to support the finding of what is
known in the art, the examiner must provide an affidavit or declaration setting
forth specific factual statements and explanation to support the finding. See 37
CFR 1.104(d)(2)”

First, the Examiner’s personal experience in one single mortgage transaction does not rise to
the level of fact applicable to the industry as a whole such that the fact is well known and cable of
instant and unquestionable demonstration as being well known, especially in light of the article “Stay
in Tune with RESPA” provided by the Applicant.

Second, if the Examiner intends to rely on personal knowledge to support the finding of what
is known in the art, the Applicant rightfully requests that the Examiner provide an affidavit setting
forth specific factual statements and explanation to support the finding, as is clearly required by the
Patent Office rules set forth above.

Third, the Applicant asserts that the above-noted remarks made of record by the Examiner
regarding her experiences are essentially a new reference used in the rejection argument, and as

such, constitute a new ground for rejection, contrary to the Final Rejection given by the Examiner.

Fourth, even if the Examiner's remarks had been made of record in this application in accord with the rules set forth in the MPEP for controlling the taking of official notice by an Examiner, the facts asserted by the Examiner are not prior art and do not have bearing on the alleged obviousness of claims 1 and 32.

Fifth, considering the Examiner's remarks in light of the substantial evidence standard required under the MPEP, there are several shortcomings that the Applicant believes must be addressed regarding the Examiner's recollection quoted above:

(1) The Examiner has not provided a time frame for these recounted experiences. To construct the elements of a Claim for an obviousness argument requires a combining of references as of the time of the priority filing date of the application. Her remarks do not give a time frame and consequently cannot be used as a basis for arguing for the combination.

(2) That she received a copy of RESPA and was requested to read it does not give a clear indication of what a real estate agent or mortgage broker might understand about that law at the effective time of filing this patent application.

a. A patent examiner is a highly trained civil servant qualified to examine and render opinions that the US Government then uses in its daily business within the Commerce Department and elsewhere regarding patents.

b. More particularly, this Examiner is charged with examining business method related inventions.

c. It is unlikely that her skills and insights are the same those who ordinarily practice mortgage brokering, etc.

d. And it is unreasonable to assume that, even if the other ambiguities are all resolved, that a mortgage broker would have come to the conclusions she has reached.

e. Because it was not until several years later that other companies with an economic incentive to discover the elements of these Claims, eventually came to them (See Exhibit B of the appendices to this document for evidence previously submitted in continuations to this patent application.

(3) The elements of these claims are not taught: There is no information in the Examiner's statement as to who the loan originator was. For instance, some mortgage companies have employees reporting to loan brokers, who are not the loan originators being claimed in the patent application. Thus the Examiner's statement cannot be considered prior art because a meaningful comparison the Applicant's claimed method cannot be made without this information.

(4) Further, there is no statement that the loan originator received part of the revenue of the loan origination fee or if there was such compensation, she has not reported that the compensation was compliant with RESPA. This is an important limitation in the Applicant's claimed methods which is entirely missing from the Examiner's statement.

(5) And they do not contradict the warnings of the article "Stay in Tune with RESPA", because there is no statement as to whom her loan originator was or that they were compensated out of her paid loan origination fee in accord with RESPA.

Accordingly, the Examiner's statements cannot be said to be cable of instant and unquestionable demonstration as being well known.

The Examiner has failed to provide substantial evidence as of the effective filing date to motivate the combining of prior art used in rejecting these Claims. Accordingly, the Applicant respectfully requests allowance of all pending claims.

Rejections Under 35 USC Section 103 of the Claims

The Examiner has rejected all of the claims under 35 USC Section 103(a) in several subsets of claims based on various combinations of prior art. The basis for rejection of each claim will be addressed in sections further below. Our traverse of the rejections will be organized claims in groups selected on commonality of the basis for rejection, thus the claims will not necessarily be discussed in numerical order. Discussion will begin with independent claims 1 and 32.

Traverse of Rejection of claims 1 and 32

The Examiner has rejected claims 1, and 32, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and the Teixeira reference. Claims 1 and 32 read as follows (as currently amended):

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1. *(Currently amended) A data processing system for managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising:*

10 *means for collecting data regarding the loan customer not previously possessed by the loan originator;*

means for generating a loan application for the loan customer regarding the not previously possessed data and already possessed data regarding the loan customer;

15 *means for generating disclosure documents regarding the mortgage loan and the already possessed data and the not previously possessed data regarding the loan customer; and*

means for transferring the loan application to the loan broker;

20 *wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");*

wherein the loan originator is not the loan broker; and

25 *the loan originator is not the loan customer, for whom the loan originator has the already possessed data.*

32. *(Currently amended) A computerized method of managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising the steps of:*

generating a loan application for the loan customer regarding not previously possessed data and already possessed data by the loan originator about the loan customer;

generating disclosure documents regarding the mortgage loan and the already possessed data and the not already possessed data regarding the loan customer; and

transferring the loan application to the loan broker;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the loan originator is not the loan broker; and

wherein the loan originator is not the loan customer, for whom the loan originator has the already possessed data.

Outline of the Applicant's Arguments against the rejection of claims 1 and 32 Claims

The Applicant will show that the three criteria necessary for an obviousness rejection fail. The MPEP eighth edition second revision acrobat format in section 706.02(j), reads as follows (the emphasis of italicizing is made in the MPEP and is quoted exactly):

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references

when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure."

5 The applicant respectfully asserts that none of the three criteria of MPEP Section 706.02(j) are met by the combination proposed by the Examiner.

The Applicant will then present addition arguments against the obviousness of these Claims:

10 The Examiner is applying an incorrect standard of ordinary skill, particularly in the face of the article "Stay in Tune with RESPA", for which the Examiner has not provided prior art nor substantive evidence to refute.

15 The Applicant will discuss long felt need for the invention, quoting from prior art provided by the Examiner.

20 The Applicant will then discuss the commercial success of the commercial use of the invention as claimed by the inventors, and will provide as an appendix an affidavit signed by one of the inventors to that fact.

Overall argument regarding US 103 rejection of Claims 1 and 32

The Examiner in the most recent office action has stated on page 14, has stated the following

25 *"The Examiner is entitled to give claims their broadest reasonable interpretation in light of the Specification ... Applicants' claims read on the generation of a loan application for a new customer and generating new documents then transferring the loan application to a broker is well known when a customer applies for a mortgage."*

30 These Claims as amended now add the limitation of generating the loan application regarding

both not previously possessed data and already possessed data regarding the loan customer. New customers would not have already possessed data within the loan originator's system. Consequently, the interpretive basis for this rejection has been removed.

5 In addition, the Applicant will show that the Examiner's argument for obviousness of the rejected claims fail for the following response.

(1) The elements for *prima facie* obviousness have not been met by the prior art reference combination proposed by the Examiner because:

- 10 (a) The prior art references when combined do not teach or suggest all the claim limitations;
- (b) There was no a reasonable expectation of success at the time the Applicant invented the claimed method;
- (c) There was no suggestion or motivation, either in the references themselves or in
15 the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- (d) The Applicant asserts that the standard of ordinary skill inherent in the analysis used in the Examiner's rejection is incorrect;

20 (2) The long-felt need for, and the failure of others to develop, the Applicant's claimed method indicates that the claimed invention is not obvious; and

(3) The commercial success of the Applicant's claimed method indicates that the claimed invention is not obvious.

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Herein follows the specific arguments for each of these reasons:

Prima facie obviousness: The elements for *prima facie* obviousness have not been met by the prior art reference combination proposed by the Examiner.

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The Applicant disagrees with the Examiner's rejection of these Claims. The MPEP eighth edition second revision acrobat format in section 706.02(j), reads as follows (the emphasis of italicizing is made in the MPEP and is quoted exactly):

5 "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when
10 combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure."

15 The rule under MPEP Section 706.02(j) requires three criteria to be met. The applicant respectfully asserts that none of the three criteria are met by the combination proposed by the Examiner because:

- (a) The prior art references when combined do not teach or suggest all the claim limitations;
- (b) There was no a reasonable expectation of success at the time the Applicant invented the
20 claimed method;
- (c) There was no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; and
- (d) The Applicant asserts that the standard of ordinary skill inherent in the analysis used in
25 the Examiner's rejection is incorrect.

In addition to the required criteria, the Applicant asserts that the standard of ordinary skill inherent in the rejection analysis used in the Examiner's arguments is incorrect.

(a) The prior art reference references when combined do not teach or suggest all the claim limitations

Regarding the third criteria stated in the MPEP, section 706.02(j), “[T]he prior art reference
5 (or references when combined) must teach or suggest all the claim limitations.”

The Applicant will show that the prior art reference references when combined do not teach
or suggest all the claim limitations. The prior art references when combined do teach or suggest all
the claim limitations.

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The Examiner states that Teixeira teaches “wherein the loan originator provides services
necessary for the origination of the mortgage loan and not duplicative of services provided by the
loan broker, making a loan origination fee paid to the loan originator at a time of closing on the
mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act
15 (“RESPA”)”.

The Applicant disagrees because compliance with RESPA is not mentioned or implied in the
Teixeira reference. The Examiner has not pointed to any public document, as of the time of the
application’s filing, enabling one of ordinary skill in the art knowledge of all the elements, much less
20 their combination. The Examiner has made a personal observation discussed previously regarding
this issue, however, her experiences as documented do not show them to occur before the effective
filing date of this patent application, do not show or teach the elements of the Claims (for example,
there is no identification of her loan originator), and do not document that the originator was directly
compensated through her loan origination fee payment in accord with RESPA.

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The Applicant finds that Fraser (US 5,995,947) does not teach mortgage origination through
a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This
Figure calls out the computers as stations. There are broker stations and lender stations, but no
distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker
30 entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.
Nowhere are the system interface or operational processes of a loan originator distinct from the loan

broker shown, disclosed, taught or suggested.

The Applicant finds that Tengel et al. (US 5,940,812) does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

The Applicant finds that none of the cited prior art teaches nor discloses generating the loan application for the loan customer using data not previously possessed and combining it with data about the consumer previously possessed by the loan originator. Accordingly, the prior art references when combined do not teach or suggest all of the claim limitations. The combination proposed by the Examiner, therefore, does not create the Applicant's claimed invention.

(b) There was no a reasonable expectation of success at the time the Applicant invented the claimed method.

The Applicant strongly questions the expectation of success asserted by the Examiner when there is an explicit prior art citation of record, teaching away from the elements of the invention, in a trade journal targeting those of ordinary skill in the art. The trade journal paper is entitled "Stay in Tune with RESPA", which was submitted in a previous response in June of 2004. To quote the first page "The message is simple: do not, under any circumstances, give any sort of fee or gift to anyone for referring customers ..." It also states that "Some originators may unwittingly be breaking RESPA's laws ...".

As previously discussed, the Examiner's remarks based upon her personal experiences do not show them to occur before the effective filing date of this patent application, do not show or teach the elements of the Claims, and do not show that the loan originator was directly compensated through her loan origination fee payment in accord with RESPA.

The Examiner has not provided proof that one of ordinary skill in the art of mortgage brokering would have had general knowledge that such a combination would have a reasonable expectation of success. There has been no evidence provided by the Examiner showing that there is any publicly available legal discussion of RESPA, which points to the elements of compliance built into these Claims.

Accordingly, there was no reasonable expectation of success by one of ordinary skill at the time the Applicant invented the claimed method. Therefore, the Applicant's claimed method is not obvious.

(c) There was no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

"[T]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure."

The Applicant finds that since all the elements are not present in the cited prior art, and there is no evidence of the general knowledge of one of ordinary skill to modify the references to create all of those elements, there can be no suggestion to combine them, because they are not available for combination nor available through modification of those references.

Furthermore, the Applicant has provided documentary evidence teaching away from the practice of the client's claimed invention. Other than the statement of the Examiner's personal experience, which has previously been shown inadequate to form a basis for rejection, no evidence otherwise has been made of record by the Examiner.

Other Non-Obviousness Arguments:

The Applicant asserts that the standard of ordinary skill inherent in the rejection analysis

used in the Examiner's arguments is incorrect.

The suggestion or motivation for modifying or combining the references must come either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

5 The Applicant asserts that the ordinary skill in the art is rather low, and therefore one of ordinary skill in the art would have been incapable of making the modifications or combinations proposed by the Examiner at the time the invention was conceived. The Examiner has contended that her personal experiences provide that teaching or suggestion. However, her documented experiences do not show them to occur before the effective filing date of this patent application, do not show or teach the
10 elements of the Claims, because there is no identification of her loan originator, nor that they were directly compensated through her loan origination fee payment in accord with RESPA.

There is no national standard for being a mortgage broker. What regulations exist are on a state level, and vary widely. Some states such as California require people take a short course and
15 pass a test, but in other states, all one need do is pay a fee.

The Examiner argues that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the loan originator provide services necessary for the origination of the loan and not duplicative of services provided by the loan broker, making a loan
20 origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the Guidelines of the Real Estate Settlement Procedures Act (‘RESPA’)....”

However, the Applicant notes that Teixeira does not even mention RESPA. On the other hand, the trade journal article “Stay in Tune with RESPA” speaks to those of ordinary skill in the art
25 of mortgage brokering. This reference indicates that a mortgage broker’s knowledge of the law is often so limited that they may have previously unwittingly broken RESPA. It is therefore unreasonable to expect that such individual would know enough to be in compliance with RESPA.

The Applicant therefore finds that the Examiner has applied an unreasonable standard for
30 those of ordinary skill in the art of mortgage brokering, particularly when there has been no evidence

provided by the Examiner showing that there is any publicly available legal discussion of RESPA, which points to the elements of compliance built into these Claims.

Therefore, even if the combinations of references proposed by the Examiner created the Applicant's claimed invention, one of ordinary skill in the art would not be capable of making such a combination. Therefore, the Applicant's claimed invention was not obvious to one of ordinary skill in the art at the time the claimed invention was filed.

Long felt need.

The Applicant finds a long felt need for the invention. As Teixeira points out, "Mortgage origination is highly labor intensive". Teixeira suggests sharing the work, without saying how, or providing any insight into the requirements for doing so, that enable one of ordinary skill to make the invention as claimed.

Teixeira is therefore, an admission that the need for the Applicant's claimed invention has long been recognized, but that until invented by the Applicant, did not exist.

Commercial Success.

The Applicant testifies that their commercial use of the invention demonstrates its commercial success. The Applicant has generated significant revenues using the Applicant's claimed method. The Applicant asserts that that success results from the fact that, until recently, competitors have not used the Applicant's claimed invention. The Applicant has attached an affidavit in support of this basis for non-obviousness.

The Applicant believes that some competitors may now be infringing on the Applicant's claimed method (evidence of such potential infringement has been submitted an Information Disclosure Statement filed Sept 8 for the Applicant and received Sept 12, 2003 by the Patent and Trademark Office). The potential infringement now occurring further supports the Applicant's view

that if the Applicant's claimed invention were obvious, Applicant's competitors would have previously implemented the invention themselves.

Summary of Applicant's Arguments for Claims 1 and 32:

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The Applicant has shown that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, with previously existing data held by the loan originator being combined with new data from the consumer, the loan broker and the lender as claimed, and nowhere is there a written teaching or suggestion that the claimed
10 limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify
15 and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner. These claims address a long felt need to lower the labor costs in originating a mortgage. And, use of the claimed methods have been responsible for great commercial success experienced by the inventors in their mortgage business.

Argument for allowance of Claims 65 and 84, because there is no reason given for their rejection

The Applicant could find no reason given by the Examiner for rejecting Claim 65 or Claim 84, which read as follows.

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65. *(Previously presented) A data processing system for managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising:*
means for collecting data regarding the loan customer not previously
30 *possessed by the loan originator;*

means for generating a loan application for the loan customer regarding the not previously possessed data regarding the loan customer;

means for generating disclosure documents regarding the mortgage loan and the already possessed data and the not previously possessed data regarding the loan customer; and

means for transferring the loan application to the loan broker;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan brokerCu, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the loan originator is not the loan broker;

the loan originator is not the loan customer; and

wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company.

84. *(Previously presented) A computerized method of managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising the steps of:*

generating a loan application for the loan customer regarding not previously possessed data by the loan originator about the loan customer;

generating disclosure documents regarding the mortgage loan and the not already possessed data regarding the loan customer; and

transferring the loan application to the loan broker;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the loan originator is not the loan broker;
wherein the loan originator is not the loan customer; and
wherein the loan originator is at least one member of the collection
comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and
5 *a relocation company.*

The final rejection issued by the Examiner is taken as a complete examination of this patent application. Consequently, since the Examiner has provided no reason for rejecting these Claims, they must be put in condition for allowance, and the Applicant requests that the Examiner place them
10 in such condition.

Alternatively, assuming that the prior art is meant to reject these Claims, the Applicant applies the arguments given for Claims 1 and 32, which may be summarized as follows:

15 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA.

20 There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA".

25 There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims.

30 There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers.

These claims address a long felt need to lower the labor costs in originating a mortgage.

5 And, the commercial success of the Applicant's claimed method indicates that the claimed invention is not obvious.

The Applicant submits that the cited art does not call out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are some of the parties that "Stay in Tune with RESPA" singles out in warning to
10 avoid regarding this federal law, and which the Examiner's stated experiences did not touch upon. Consequently, the Applicant asserts that the cited prior art, including the Examiner's written argument for combining these references do not teach or suggest the limitations of these Claims, and that they are allowable.

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Traverse of Rejection of claims 33 and 85

The Examiner has rejected claims 33 and 85, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business
5 Terms.

Regarding **Claim 33**, the Examiner finds that Fraser teaches the method of Claim 32, further comprising the loan originator operating a computer as a loan originator computer.

10 33. *(Previously presented) The method of claim 32, further comprising the step of:*

 the loan originator operating a computer as a loan originator computer.

The Applicant finds that Fraser does not teach mortgage origination through a loan originator
15 distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed,
20 taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

Arguing that adding the limitation of the loan originator operating a computer as a loan originator computer is obvious assumes that the method is already obvious, which is not the case. In
25 addition to the argument stated above, the Applicant has previously shown that Claim 32, from which claim 33 ultimately depends, is allowable. By virtue of its dependence from an allowable claim, claim 33 is also allowable.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken
30 individually or collectively, does not teach or suggest a loan originator distinct from the loan

customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 85**, the Examiner finds that Fraser teaches the method of Claim 32, further comprising the loan originator operating a computer as a loan originator computer.

85. *(Previously presented) The method of claim 84, further comprising the step of:*

the loan originator operating a computer as a loan originator computer.

Claim 85 is dependent upon 84, for which the Examiner has not provided a rejection argument. Without a reason from the Examiner, Claim 84 must be considered allowable, and since the limitations of Claim 84 are inherent in this dependent Claim, it is also allowable.

Assuming for the moment that Claim 84 had been rejected, The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan

originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

5 As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of
10 success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just
15 not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

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Traverse of Rejection of claims 2, 34, 66 and 86

The Examiner has rejected claims 2, 34, 66 and 86, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and the Teixeira reference.

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Regarding **Claim 2**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for transferring data from a remote computer system to the data processing system (col. 6, lines 63-67 and col. 10, lines 35-61) and means for incorporating the transferred data into the loan application (col. 9, lines 37-52).

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2. *(Previously presented) The data processing system recited in claim 1, further comprising:*

means for transferring data from a remote computer system to the data processing system; and

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means for incorporating the transferred data into the loan application.

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Arguing that adding the limitation of these means being obvious assumes that Claim 1 is already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in

originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 34**, the Examiner's reasoning for rejecting this Claim is similar to the rationale applied to Claims 2 and 66 that Fraser teaches the data processing system recited in claim 1, further comprising means for transferring data from a remote computer system to the data processing system (col. 6, lines 63-67 and col. 10, lines 35-61) and means for incorporating the transferred data into the loan application (col. 9, lines 37-52).

34. *(Previously presented) The method of Claim 33, further comprising the steps of:*

transferring data from a remote computer system to the loan originator computer; and

incorporating the transferred data into the loan application.

Claim 34 is dependent upon 33, which depends upon 32. The Examiner in rejecting Claims 32 and 33 has combined these pieces of prior art in a faulty manner as discussed in the arguments of Claims 32 and 33 above. It further assumes that Claims 33 and 32 are already obvious, which is not the case.

Arguing that including transferring data from a remote computer system to the data processing system and incorporating the transferred data into the loan application is obvious assumes that the apparatus is already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the

knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt
5 need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 66**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for transferring data from a
10 remote computer system to the data processing system (col. 6, lines 63-67 and col. 10, lines 35-61) and means for incorporating the transferred data into the loan application (col. 9, lines 37-52).

*66. (Previously presented) The data processing system recited in claim 65,
further comprising:*

*means for transferring data from a remote computer system to the data
15 processing system; and*

means for incorporating the transferred data into the loan application.

The Applicant disagrees with this rejection of Claim 66 for several reasons. First there is the procedural reason that Claim 65 stands rejected based upon the cited prior art, and the Applicant
20 could find no reason given by the Examiner for rejecting Claim 65.

The Applicant finds the cited art does not call out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are parties that "Stay in Tune with RESPA" singles out in warning to avoid regarding this
25 federal law, and which the Examiner's stated experiences did not touch upon. Adding the limitations of Claim 66 further distances the data processing system from a combination found in the prior art as taught and/or suggested at the priority filing date of this application.

Assuming that the prior art is meant to reject Claim 65, the Applicant applies the arguments
30 given for Claims 1 and 32: The Applicant finds that all the cited prior art, taken individually or

collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 86**, the Examiner's reasoning for rejecting this Claim is similar to the rationale applied to Claims 2 and 66 that Fraser teaches the data processing system recited in claim 1, further comprising means for transferring data from a remote computer system to the data processing system (col. 6, lines 63-67 and col. 10, lines 35-61) and means for incorporating the transferred data into the loan application (col. 9, lines 37-52).

86. *(Previously presented) The method of Claim 85, further comprising the steps of:*

transferring data from a remote computer system to the loan originator computer; and

incorporating the transferred data into the loan application.

Claim 86 depends upon 85, which depends upon 84, for which the Examiner has not provided a rejection argument. Arguing that transferring data from a remote computer to the loan originator computer and incorporating the transferred data is obvious assumes that the method is already obvious, which is not the case.

The Applicant asserts the cited art does not call out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are some of the parties that “Stay in Tune with RESPA” singles out in warning to avoid regarding this federal law, and which the Examiner’s stated experiences did not touch upon. Adding the limitations of Claim 84 further distance the data processing system from a combination found in the prior art as taught and/or suggested at the priority filing date of this application.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

The Examiner did not describe a loan originator operating a computer as in Claim 85, receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator. There has been no substantial evidence to motivate combining these cited references in the simplest setting, and adding these limitations do not change the basic problems the Examiner has not failed to overcome. The cited references in themselves do not possess all the limitations of Claim 84 and 85, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested.

Traverse of Rejection of claims 3, 40, 67, and 92

The Examiner has rejected claims 3, 40, 67 and 92, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 3**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for ordering at least one required legal document for the mortgage loan (col. 3, line 63-67 and col. 4, lines 16-21).

10 3. *(Previously presented) The data processing system recited in claim 1, further comprising:*
means for ordering at least one required legal document for the mortgage loan.

15 Arguing that adding the limitation the means for ordering is obvious, assumes that Claim 1 is already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee
20 paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an
25 unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

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Therefore, the data processing system further comprising these means for ordering at least one required legal document is also non-obvious.

Regarding **Claim 40**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for ordering at least one required legal document for the mortgage loan (col. 3, line 63-67 and col. 4, lines 16-21).

40. (Previously presented) The method recited in Claim 33, further comprising the step of:

ordering at least one required legal document for the mortgage loan.

Claim 40 depends upon 33, which depends upon 32. Arguing that adding this limitation does not suddenly become obvious when the parent claims are not obvious. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 67**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for ordering at least one required legal document for the mortgage loan (col. 3, line 63-67 and col. 4, lines 16-21).

67. *(Previously presented) The data processing system recited in claim 65, further comprising:*

means for ordering at least one required legal document for the mortgage loan.

Claim 67 depends upon 65, for which the Examiner has provided no reason for rejecting. Since the parent Claim can be reasonably taken as non-obvious, the child claim may also be seen in that light.

Alternatively, assuming that the prior art is meant to reject these Claims, the Applicant applies the arguments given for Claims 1 and 32: The Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

More specifically speaking to the limitations of this Claim, the cited art does not call out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are some of the parties that "Stay in Tune with RESPA"

singles out in warning to avoid regarding this federal law, and which the Examiner's stated experiences did not touch upon.

Regarding **Claim 92**, the Examiner's reasoning for rejecting this Claim is that Fraser teaches the data processing system recited in claim 1, further comprising means for ordering at least one required legal document for the mortgage loan (col. 3, line 63-67 and col. 4, lines 16-21).

92. *(Previously presented) The method recited in Claim 85, further comprising the step of:*

ordering at least one required legal document for the mortgage loan.

Claim 92 depends upon 85, which depends upon 84, for which the Examiner has not provided a rejection argument.

Arguing that ordering at least one required legal document is obvious assumes that the method is already obvious, which is not the case. Alternatively, assuming that the prior art is meant to reject these Claims, the Applicant applies the arguments given for Claims 1 and 32: The Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

More specifically to this Claim, the Examiner did not describe ordering at least one legal document, a loan originator operating a computer, receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 84. In particular, the Examiner's loan originator was not shown to be a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company, which were the professionals "Stay in Tune with REPA" warned about years after the priority filing date of this patent application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding these limitations do not change the basic problems the Examiner has not failed to overcome. The cited references in themselves do not possess all the limitations of Claim 84, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested.

Traverse of Rejection of claims 12, 41, 68 and 93

The Examiner has rejected claims 12, 41, 69 and 93, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 12**, the Examiner's finds that Fraser and Tengel fail to teach the required legal document as a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. Graf teaches about these documents and the Examiner has argued that it would have been obvious to one of ordinary skill in the art to have the required legal document as one of these and to modify Fraser and Tengel because such a modification would have allowed Fraser and Tengel to have a title to a term of interest in a property and a separate title to a remainder interest in the property.

12. *(Previously presented) The data processing system recited in Claim 3,*
15 *wherein the required legal document is a member of the collection*
comprising: a preliminary title report, a Convenants, Conditions, and Restrictions
(CC and R), and a homeowners association certificate.

The Applicant disagrees. Claim 12 depends upon 3, which depends upon 1. The Examiner wants Fraser and Tengel to be rewritten to disclose a loan originator separate from the loan customer and the loan broker, who orders required legal documents, and who now knows that these legal documents may be a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. The Applicant does not find any substantive evidence nor prior art pointing to teaching or suggesting this limitation.

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This combining of references and then their revision is based upon flawed reasoning. The Examiner did not describe her experiences as teaching or suggesting a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 1. Further, she did not report or provide a successful argument to combine the elements of the references to create the limitations of Claim 1.

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No such data processing system existed nor was implied as of the priority filing date of this application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the Examiner has not failed to overcome.

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Arguing that adding this limitation is obvious assumes that Claims 1 and 3 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 41**, the Examiner's finds that Fraser and Tengel fail to teach the required legal document as a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. Graf teaches about these documents and the Examiner has argued that it would have been obvious to one of ordinary skill in the art to have the required legal document as one of these and to modify Fraser and Tengel because such a modification would have allowed Fraser and Tengel to have a title to a term of interest in a property and a separate title to a remainder interest in the property.

41. *(Previously presented) The method recited in Claim 40,*

wherein the required legal document is a member of the collection comprising: a preliminary title report, a Covenants, Conditions and Restrictions (CC and R), and a homeowners association certificate.

5 The Applicant disagrees. Claim 41 depends upon 40, which depends upon 33, which depends upon 32. The Examiner wants Fraser and Tengel to be rewritten to disclose a loan originator separate from the loan customer and the loan broker, who orders required legal documents, and who now knows that these legal documents may be a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. The Applicant does not find
10 any substantive evidence nor prior art pointing to teaching or suggesting this limitation.

 This combining of references and then their revision is based upon flawed reasoning. The Examiner did not describe her experiences as teaching or suggesting a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with
15 RESPA for the loan originator as claimed in Claim 32. Further, she did not report or provide a successful argument to combine the elements of the references to create the limitations of Claim 32. No such data processing system existed nor was implied as of the priority filing date of this application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the
20 Examiner has not failed to overcome.

 Arguing that adding this limitation is obvious assumes that Claims 32, 33 and 40 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from
25 the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion
30 or motivation either in the cited references or in the knowledge generally available to one of ordinary

skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 68**, the Examiner's finds that Fraser and Tengel fail to teach the required legal document as a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. Graf teaches about these documents and the Examiner has argued that it would have been obvious to one of ordinary skill in the art to have the required legal document as one of these and to modify Fraser and Tengel because such a modification would have allowed Fraser and Tengel to have a title to a term of interest in a property and a separate title to a remainder interest in the property.

68. *(Previously presented) The data processing system recited in Claim 67, wherein the required legal document is a member of the collection comprising: a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R), and a homeowners association certificate.*

The Applicant disagrees. Claim 68 depends upon 67, which depends upon 65. Arguing that adding this limitation is obvious assumes that parent Claims are already obvious, which is not the case. The Examiner has not given a reason for rejecting Claim 65. The Examiner wants Fraser and Tengel to be rewritten to disclose a loan originator separate from the loan customer and the loan broker, who orders required legal documents, and who now knows that these legal documents may be a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. The Applicant does not find any substantive evidence nor prior art pointing to teaching or suggesting this limitation.

This combining of references and then their revision is based upon flawed reasoning. The Examiner did not describe her experiences as teaching or suggesting a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 65. Further, she did not report or provide a
5 successful argument to combine the elements of the references to create the limitations of Claim 65. No such data processing system existed nor was implied as of the priority filing date of this application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the Examiner has not failed to overcome.

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Arguing that adding this limitation is obvious assumes that Claims 65 and 67 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching
15 or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary
20 skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for
25 the inventors in the mortgage business.

Regarding **Claim 93**, the Examiner's finds that Fraser and Tengel fail to teach the required legal document as a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a homeowners association certificate. Graf teaches about these documents and the Examiner
30 has argued that it would have been obvious to one of ordinary skill in the art to have the required

legal document as one of these and to modify Fraser and Tengel because such a modification would have allowed Fraser and Tengel to have a title to a term of interest in a property and a separate title to a remainder interest in the property.

5 93. *(Previously presented) The method recited in Claim 92,
 wherein the required legal document is a member of the collection
 comprising: a preliminary title report, a Covenants, Conditions and Restrictions
 (CC and R), and a homeowners association certificate.*

10 The Applicant disagrees. Claim 93 depends upon 92, which depends upon 85. Arguing that
adding this limitation is obvious assumes that Claims 85 and 92 are already obvious, which is not the
case. The Examiner has not given a reason for rejecting Claim 85. The Examiner wants Fraser and
Tengel to be rewritten to disclose a loan originator separate from the loan customer and the loan
broker, who orders required legal documents, and who now knows that these legal documents may
15 be a preliminary title report, a Covenants, Conditions, and Restrictions (CC and R) and/or a
homeowners association certificate. The Applicant does not find any substantive evidence nor prior
art pointing to teaching or suggesting this limitation.

 This combining of references and then their revision is based upon flawed reasoning. The
20 Examiner did not describe her experiences as teaching or suggesting a loan originator receiving
direct compensation from the loan origination fee, or that she was asked to confirm compliance with
RESPA for the loan originator as claimed in Claim 85. Further, she did not report or provide a
successful argument to combine the elements of the references to create the limitations of Claim 85.
No such data processing system existed nor was implied as of the priority filing date of this
25 application. There has been no successful written evidence to motivate combining these cited
references in the simplest setting, and adding this limitation does not change the basic problems the
Examiner has not failed to overcome.

 Arguing that adding this limitation is obvious assumes that Claims 85 and 92 are already
30 obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited

prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation
5 of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just
10 not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 13, 35, 69 and 87

The Examiner has rejected claims 13, 35, 69 and 87, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

5

Regarding **Claim 13**, the Examiner has rejected these Claims, because Fraser teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for transferring data from a credit reporting computer system regarding the loan customer to the data processing system (col. 5, lines 23-30).

10

*13. (Previously presented) The data processing system recited in Claim 2,
means for transferring data from the remote computer system is further
comprised of:
means for transferring data from a credit reporting computer system
regarding the loan customer to the data processing system.*

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The Applicant disagrees. Claim 13 depends upon 2, which depends upon 1. Arguing that adding this limitation is obvious assumes that Claims 1 and 2 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references nor in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage.

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And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

5 The cited references in themselves do not possess all the limitations of the parent claims, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested. Therefore, a data processing system further comprising means for transferring data from a credit reporting computer system is also non-obvious.

10 Regarding **Claim 35**, the Examiner has rejected these Claims, because Fraser teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for transferring data from a credit reporting computer system regarding the loan customer to the data processing system (col. 5, lines 23-30).

15 35. *(Previously presented) The method recited in Claim 34, wherein the step transferring data from the remote computer system is further comprised of the step of:*
transferring data from a credit reporting computer system regarding the loan customer to the loan originator computer.

20 The Applicant disagrees. Claim 35 depends upon 34, which depends upon 33, which depends upon 32. Arguing that adding this limitation is obvious assumes that Claims 32, 33, and 34 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written
25 teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one
30 of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an

unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial
5 success for the inventors in the mortgage business.

No such data processing system existed nor was implied as of the priority filing date of this application. There has been no substantial evidence presented to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the
10 Examiner has not failed to overcome. The cited references in themselves do not possess all the limitations of the parent claim, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested. Therefore, a data processing system further comprising means for transferring data from a credit reporting computer system is also non-obvious.

15 Regarding **Claim 69**, the Examiner has rejected these Claims, because Fraser teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for transferring data from a credit reporting computer system regarding the loan customer to the data processing system (col. 5, lines 23-30).

20 69. *(Previously presented) The data processing system recited in Claim 66, means for transferring data from the remote computer system is further comprised of:*
means for transferring data from a credit reporting computer system regarding the loan customer to the data processing system.

25 The Applicant disagrees. Claim 69 depends upon 66, which depends upon 65. Arguing that adding this limitation is obvious assumes that Claims 65 and 66 are already obvious, which is not the case. First of all, the Examiner has provided no reason why Claim 65 is not allowable, and the Applicant assumes that the final rejection was a complete action, implying that Claim 65 was
30 allowable.

Leaving that aside, Claim 65 stipulates that the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company, which are professions which the article "Stay in Tune with RESPA" warns about. The Examiner did not describe such a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 65. Further, she did not report, nor has there been a successful argument to combine the elements of the references to create the limitations of parent claims.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

No such data processing system existed nor was implied as of the priority filing date of this application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the Examiner has not failed to overcome. The cited references in themselves do not possess all the limitations of Claim 65, and cannot be magically combined to create compliance with RESPA when

it is neither taught nor suggested. Therefore, a data processing system further comprising means for transferring data from a credit reporting computer system is also non-obvious.

Regarding **Claim 87**, the Examiner has rejected these Claims, because Fraser teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for transferring data from a credit reporting computer system regarding the loan customer to the data processing system (col. 5, lines 23-30).

87. *(Previously presented) The method recited in Claim 86,
wherein the step transferring data from the remote computer system is further
comprised of the step of:
transferring data from a credit reporting computer system regarding the loan
customer to the loan originator computer.*

The Applicant disagrees. Claim 87 depends upon 86, which depends upon 85, which depends upon 84. Arguing that adding this limitation is obvious assumes that Claims 84, 85 and 86 are already obvious, which is not the case. First of all, the Examiner has provided no reason why Claim 84 is not allowable, and the Applicant assumes that the final rejection was a complete action, implying that Claim 84 was allowable.

Leaving that aside, Claim 84 stipulates that the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company, which are professions which the article "Stay in Tune with RESPA" warns about. The Examiner did not describe such a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in the parent claim. Further, she did not report, nor has there been a showing of substantial evidence to combine the elements of the references to create the limitations of the parent claim.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

The cited references in themselves do not possess all the limitations of Claim 84, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested. Therefore, a data processing system further comprising means for transferring data from a credit reporting computer system is also non-obvious.

Traverse of Rejection of claims 14, 36, 70 and 88

The Examiner has rejected claims 14, 36, 70, and 88, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 14**, the Examiner states that Fraser and Tengel fail to teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for requesting a report from an inspection agency and means for transferring the data from the inspection agency regarding the requested report to the data processing system, which Graff is said to teach (col. 16, lines 35-67, and col. 17, lines 1-9).

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14. (Previously presented) The data processing system recited in Claim 2, means for transferring data from the remote computer system is further comprised of:

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means for requesting a report from an inspection agency regarding the loan application; and

means for transferring the data from the inspection agency regarding the requested report to the data processing system.

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The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser to add these means because such a modification would allow Fraser to have a system to have a disclosure document for securities law purposes for the securitized remainder real estate component. The Applicant disagrees. The Examiner has not cited prior art nor provided substantial evidence teaching or suggesting this motivation to modify this reference, which particularly in light of the article "Stay in Tune with RESPA" is required based upon MPEP 2114.03: "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

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Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. Claim 14 is dependent upon 2, which depends upon 1. Arguing that adding the limitation of these means being obvious assumes that Claims 1 and 2 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

No such data processing system existed nor was implied as of the priority filing date of this application. There has been no evidence meeting the standard of substantial to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the Examiner has not failed to overcome. Therefore, a data processing system further comprising these means is also non-obvious.

Regarding **Claim 36**, the Examiner states that Fraser and Tengel fail to teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for requesting a report from an inspection agency and means for transferring the data from the inspection agency regarding the requested report to the data processing system, which Graff is said to teach (col. 16, lines 35-67, and col. 17, lines 1-9).

36. *(Currently amended) The ~~data processing system~~ method recited in Claim 34, wherein the step transferring data from the remote computer system is further comprised of the steps of:*
requesting a report from an inspection agency regarding the loan
5 *application; and*
transferring data from inspection agency regarding the requested report to the storage means.

The Examiner argues that it would have been obvious for one of ordinary skill to have
10 modified Fraser to add these means (steps in this case) because such a modification would allow Fraser to have a system to have a disclosure document for securities law purposes for the securitized remainder real estate component. The Applicant disagrees. The Examiner has not cited prior art nor provided substantial evidence teaching or suggesting this motivation to modify this reference, which particularly in light of the article “Stay in Tune with RESPA” is required based upon MPEP
15 2114.03: “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Fraser does not disclose nor teach a loan originator separate from the loan customer and from
20 the loan broker. Claim 36 is dependent upon 34, which depends upon 33, which depends upon 32. Arguing that adding the limitation of these steps being obvious assumes that Claims 32, 33, and 34 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a
25 written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally
30 available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

The Examiner did not describe a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 32. Further, she did not report, nor has there been a successful argument to combine the elements of the references to create the limitations of Claim 32. No such data processing system existed nor was implied as of the priority filing date of this application. There has been no successful written evidence to motivate combining these cited references in the simplest setting, and adding this limitation does not change the basic problems the Examiner has not failed to overcome. The cited references in themselves do not possess all the limitations of Claim 32, and cannot be magically combined to create compliance with RESPA when it is neither taught nor suggested. Therefore, a data processing system further comprising these means is also non-obvious.

Regarding **Claim 70**, the Examiner states that Fraser and Tengal fail to teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for requesting a report from an inspection agency and means for transferring the data from the inspection agency regarding the requested report to the data processing system, which Graff is said to teach (col. 16, lines 35-67, and col. 17, lines 1-9).

70. *(Previously presented) The data processing system recited in Claim 66,
means for transferring data from the remote computer system is further
comprised of:
means for requesting a report from an inspection agency regarding the loan
application; and
means for transferring the data from the inspection agency regarding the
requested report to the data processing system.*

The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser to add these means because such a modification would allow Fraser to have a system to have a disclosure document for securities law purposes for the securitized remainder real estate component. The Applicant disagrees. The Examiner has not cited prior art nor provided substantial evidence teaching or suggesting this motivation to modify this reference, which particularly in light of the article "Stay in Tune with RESPA" is required based upon MPEP 2114.03: "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

Claim 70 is dependent upon 66, which depends upon 65. Arguing that adding the limitation of these means being obvious assumes that Claims 65 and 66 are already obvious, which is not the case. First, the Examiner has provided no reason to reject Claim 65, and consequently, has provided no argument regarding the fundamental limitations of that Claim inherent in this one.

Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article "Stay in Tune with RESPA" warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

The Examiner did not describe a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 65.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan

customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 88**, the Examiner states that Fraser and Tengel fail to teaches the data processing system of Claim 2, where the means for transferring data from the remote computer system is further comprised of means for requesting a report from an inspection agency and means for transferring the data from the inspection agency regarding the requested report to the data processing system, which Graff is said to teach (col. 16, lines 35-67, and col. 17, lines 1-9).

88. *(Previously presented) The data processing system recited in Claim 86, wherein the step transferring data from the remote computer system is further comprised of the steps of:*
requesting a report from an inspection agency regarding the loan application; and
transferring data from inspection agency regarding the requested report to the storage means.

The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser to add these means (in this case steps) because such a modification would allow Fraser to have a system to have a disclosure document for securities law purposes for the securitized

remainder real estate component. The Applicant disagrees. The Examiner has not cited prior art nor provided substantial evidence teaching or suggesting this motivation to modify this reference, which particularly in light of the article "Stay in Tune with RESPA" is required based upon MPEP 2114.03: "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

Claim 88 is dependent upon 86, which depends upon 84. Arguing that adding the limitation of these means being obvious assumes that Claims 84 and 86 are already obvious, which is not the case. First, the Examiner has provided no reason to reject Claim 84, and consequently, has provided no argument regarding the fundamental limitations of that Claim inherent in this one.

Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article "Stay in Tune with RESPA" warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

The Examiner did not describe a loan originator receiving direct compensation from the loan origination fee, or that she was asked to confirm compliance with RESPA for the loan originator as claimed in Claim 84. Further, she did not report, nor has there been a successful argument to combine the elements of the references to create the limitations of Claim 84. No such data processing system existed nor was implied as of the priority filing date of this application.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the

loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business. Therefore, a data processing system further comprising these means is also non-obvious.

Traverse of Rejection of claims 15, 37, 71 and 89

The Examiner has rejected claims 15, 37, 71, and 89, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 15**, the Examiner states that Fraser and Tengel fail to teaches the data processing system of Claim 14, where the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone, which Graff is said to teach (col. 17, lines 49-67 and col. 173, lines 1-25).

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15. (Previously presented) The data processing system recited in Claim 14, wherein the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone.

15 The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser and Tengel to add these means because such a modification would allow Fraser and Tengel to know if there are any hazards such as flooding that would affect the insurance rate.

The Applicant disagrees. The motivation the Examiner is giving is not supported by any
20 reference to the prior art, or to her own experience and based upon the directions of MPEP 2114.03, is insufficient to argue for the modification of these patents, particularly in light of “Stay in Tune with RESPA”, and the MPEP directions: “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” There has
25 been no affidavit provided of her experiences or perception as to the common knowledge in the field per CFR 1.104(d)(2).

Claim 15 is dependent upon 14, which is dependent upon 2, which depends upon 1. Arguing that adding the limitation of these means being obvious assumes that Claims 1, 2 and 14 are already
30 obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited

prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 37**, the Examiner states that Fraser and Tengal fail to teaches the data processing system of Claim 14, where the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone, which Graff is said to teach (col. 17, lines 49-67 and col. 173, lines 1-25).

37. *(Previously presented) The method recited in Claim 36, wherein the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone.*

The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser and Tengal to add these means (in this case steps) because such a modification would allow Fraser and Tengal to know if there are any hazards such as flooding that would affect the insurance rate.

The Applicant disagrees. The motivation the Examiner is giving is not supported by any reference to the prior art, or to her own experience and based upon the directions of MPEP 2114.03,

is insufficient to argue for the modification of these patents, particularly in light of “Stay in Tune with RESPA”, and the MPEP directions: “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” There has
5 been no affidavit provided of her experiences or perception as to the common knowledge in the field per CFR 1.104(d)(2).

Claim 37 is dependent upon 36, which depends upon 34, which depends upon 33, which depends upon 32. Arguing that adding the limitation of these steps being obvious assumes that
10 Claims 32, 33, and 34 are already obvious, which is not the case. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the
15 requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the
20 Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

25 Regarding **Claim 71**, the Examiner states that Fraser and Tengal fail to teaches the data processing system of Claim 14, where the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone, which Graff is said to teach (col. 17, lines 49-67 and col. 173, lines 1-25).

30 *71. (Previously presented) The data processing system recited in Claim 70,*

wherein the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone.

5 The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser and Tengel to add these means because such a modification would allow Fraser and Tengel to know if there are any hazards such as flooding that would affect the insurance rate.

10 The Applicant disagrees. The motivation the Examiner is giving is not supported by any reference to the prior art, or to her own experience and based upon the directions of MPEP 2114.03, is insufficient to argue for the modification of these patents, particularly in light of “Stay in Tune with RESPA”, and the MPEP directions: “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” There has been no affidavit provided of her experiences or perception as to the common knowledge in the field
15 per CFR 1.104(d)(2).

Claim 70 is dependent upon 66, which depends upon 65. Arguing that adding the limitation of these means being obvious assumes that Claims 65 and 66 are already obvious, which is not the case. First, the Examiner has provided no reason to reject Claim 65, and consequently, has provided
20 no argument regarding the fundamental limitations of that Claim inherent in this one.

Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner’s recollections, disclose or teach the loan originator is at least one member of the collection
25 comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article “Stay in Tune with RESPA” warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 89**, the Examiner states that Fraser and Tengal fail to teaches the data processing system of Claim 14, where the inspection agency is a flood certification company, and the requested report determines whether the property is in a special flood hazard zone, which Graff is said to teach (col. 17, lines 49-67 and col. 173, lines 1-25).

89. *(Previously presented) The method recited in Claim 88,
wherein the inspection agency is a flood certification company, and the
requested report determines whether the property is in a special flood hazard zone.*

The Examiner argues that it would have been obvious for one of ordinary skill to have modified Fraser and Tengal to add these means (in this case steps) because such a modification would allow Fraser and Tengal to know if there are any hazards such as flooding that would affect the insurance rate.

The Applicant disagrees. The motivation the Examiner is giving is not supported by any reference to the prior art, or to her own experience and based upon the directions of MPEP 2114.03, is insufficient to argue for the modification of these patents, particularly in light of “Stay in Tune with RESPA”, and the MPEP directions: “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 88 is dependent upon 86, which depends upon 84. Arguing that adding the limitation of these means being obvious assumes that Claims 84 and 86 are already obvious, which is not the case. First, the Examiner has provided no reason to reject the root claim, and consequently, has provided no argument regarding the fundamental limitations of that claim inherent in this one. Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner’s recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article “Stay in Tune with RESPA” warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to

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mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 16, 38, 72, and 90

The Examiner has rejected claims 16, 38, 72, and 90, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 16**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer (col. 6, lines 5-13 and lines 2-25).

10 16. *(Previously presented) The data processing system recited in Claim 1, further comprising:*
means for configuring the data processing system to act as the loan
originator computer.

15 The Applicant disagrees. The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.
20 Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan
25 customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
30 motivation either in the cited references or in the knowledge generally available to one of ordinary

skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 38**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer (col. 6, lines 5-13 and lines 2-25).

*38. (Previously presented) The method recited in Claim 33, further comprising the step of:
configuring the computer to act as the loan originator computer.*

The Applicant disagrees. The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or

motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 72**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer (col. 6, lines 5-13 and lines 2-25).

72. (Previously presented) The data processing system recited in Claim 65, further comprising:

means for configuring the data processing system to act as the loan originator computer.

The Applicant disagrees. Claim 72 is dependent upon 65, for which the Examiner has provided no reason to reject and may therefore be reasonably considered allowable.

The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan

customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 90**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer (col. 6, lines 5-13 and lines 2-25).

90. (Previously presented) The method recited in Claim 85, further comprising the step of:

configuring the computer to act as the loan originator computer.

The Applicant disagrees. Claim 90 is dependent upon 85, which depends upon 84, for which the Examiner has provided no reason for rejecting. Consequently, these Claim 84 is reasonably considered allowable and Claims 85 and 90 are also by inheriting its limitations.

Assuming otherwise, the Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.

Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken
5 individually or collectively, does not teach or suggest a loan originator distinct from the loan
customer, the loan broker and the lender as claimed and nowhere is there a written teaching or
suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the
loan originator and that such payment meets the requirements of RESPA. There is no expectation of
success in the cited prior art and a lack of public notice meeting the standard of substantive evidence
10 to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
motivation either in the cited references or in the knowledge generally available to one of ordinary
skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic
standard of competence being applied by the Examiner, possibly due to her profession, she may just
not recognize how much more insightful and trained she and her colleagues are compared to
15 mortgage brokers. These claims address a long felt need to lower the labor costs in originating a
mortgage. And last but not least, these claimed elements have been of great commercial success for
the inventors in the mortgage business.

Traverse of Rejection of claims 17, 39, 73, and 91

The Examiner has rejected claims 17, 39, 73, and 91, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 17**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer further comprises means for determining whether the loan originator needs a license and means for aiding a licensed loan originator in where to hang the license (col. 6, lines 20-33 and lines 42-51).

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17. (Previously presented) The data processing system recited in Claim 16, wherein the means for configuring the data processing system is further comprised of at least one member of the collection comprising:
means for determining whether the loan originator needs a license; and
means for aiding a licensed loan originator in where to hang the license.

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The Applicant disagrees. The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

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As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of

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success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 39**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer further comprises means for determining whether the loan originator needs a license and means for aiding a licensed loan originator in where to hang the license (col. 6, lines 20-33 and lines 42-51).

39. *(Previously presented) The method recited in Claim 38,
wherein configuring the computer system is further comprised of at least one
member of the collection comprising the step of:
determining whether the user needs a license; and
aiding a licensed originator in where to hang the license.*

The Applicant disagrees. The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 73**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer further comprises means for determining whether the loan originator needs a license and means for aiding a licensed loan originator in where to hang the license (col. 6, lines 20-33 and lines 42-51).

73. *(Previously presented) The data processing system recited in Claim 72, wherein the means for configuring the data processing system is further comprised of at least one member of the collection comprising:*
means for determining whether the loan originator needs a license; and
means for aiding a licensed loan originator in where to hang the license.

The Applicant disagrees. Claim 73 is dependent upon 72, which depends upon 65. First, the Examiner has provided no reason to reject the root claim, and consequently, has provided no argument regarding the fundamental limitations of that claim inherent in this one. Leaving that aside,

Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article "Stay in Tune with RESPA" warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

The Applicant finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 91**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising means for configuring the data processing system to act as the loan originator computer further comprises means for determining whether the loan originator needs a license and means for aiding a licensed loan originator in where to hang the license (col. 6, lines 20-33 and lines 42-51).

91. *(Previously presented) The method recited in Claim 90,
wherein configuring the computer system is further comprised of at least one
member of the collection comprising the step of:
determining whether the user needs a license; and
aiding a licensed originator in where to hang the license.*

The Applicant disagrees. Claim 91 is dependent upon 90, which depends upon 85, which depends upon 84. First, the Examiner has provided no reason to reject the root claim, and consequently, has provided no argument regarding the fundamental limitations of that claim inherent in this one. Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article "Stay in Tune with RESPA" warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

The Applicant further finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 18, 42, 74, and 94

The Examiner has rejected claims 18, 42, 74 and 94, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 18**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for translating from a loan originator's database to import information into the loan application. The Examiner finds that Tengel teaches this means (col. 8, lines 37-49), where the loan originator is not a
10 loan officer (col. 7, lines 26-67 and col. 8, lines 1-5) and the loan originator's database is not a loan officer's data (col. 2, lines 15-46).

18. *(Previously presented) The data processing system recited in Claim 1,*
 wherein the means for generating the loan application is further comprised
15 *of:*
 means for translating from a loan originator's database to import
 information into the loan application;
 wherein the loan originator is not a loan officer; and
 wherein the loan originator's database is not a loan officer's database.

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The Applicant disagrees. The Applicant finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the
25 Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or
30 suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the

loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 42**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for translating from a loan originator's database to import information into the loan application. The Examiner finds that Tengal teaches this means (col. 8, lines 37-49), where the loan originator is not a loan officer (col. 7, lines 26-67 and col. 8, lines 1-5) and the loan originator's database is not a loan officer's data (col. 2, lines 15-46).

42. (Previously presented) The method recited in Claim 32, further comprised of the step of:

translating from a database of the loan originator to import information into the loan application;

wherein the loan originator is not a loan officer; and

wherein the loan originator's database is not a loan officer's database.

The Applicant disagrees. The Applicant finds that Tengal does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengal. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 74**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for translating from a loan originator's database to import information into the loan application. The Examiner finds that Tengal teaches this means (col. 8, lines 37-49), where the loan originator is not a loan officer (col. 7, lines 26-67 and col. 8, lines 1-5) and the loan originator's database is not a loan officer's data (col. 2, lines 15-46).

74. *(Previously presented) The data processing system recited in Claim 65,
wherein the means for generating the loan application is further comprised
of:
means for translating from a loan originator's database to import
information into the loan application;
wherein the loan originator is not a loan officer; and
wherein the loan originator's database is not a loan officer's database.*

The Applicant disagrees. The Applicant finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no
5 distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

Claim 74 is dependent upon 65. The Examiner has provided no reason to reject root claim, and consequently, has provided no argument regarding the fundamental limitations of that claim
10 inherent in this one. Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions the article "Stay in Tune with RESPA" warns against,
15 and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan
20 customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
25 motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a

mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 94**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for translating from a loan originator's database to import information into the loan application. The Examiner finds that Tengel teaches this means (col. 8, lines 37-49), where the loan originator is not a loan officer (col. 7, lines 26-67 and col. 8, lines 1-5) and the loan originator's database is not a loan officer's data (col. 2, lines 15-46).

94. *(Previously presented) The method recited in Claim 84, further comprised of the step of:*

translating from a database of the loan originator to import information into the loan application;

wherein the loan originator is not a loan officer; and

wherein the loan originator's database is not a loan officer's database.

The Applicant disagrees. The Applicant finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures nor in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

Claim 94 is dependent upon 84. The Examiner has provided no reason to reject the root claim, and consequently, has provided no argument regarding the fundamental limitations of that claim inherent in this one. Leaving that aside, Fraser does not disclose nor teach a loan originator separate from the loan customer and from the loan broker. None of the references cited, including the Examiner's recollections, disclose or teach the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a

relocation company. These were professions the article “Stay in Tune with RESPA” warns against, and nothing provided by the Examiner contradicts that warning, in particular, from the priority filing date of this patent application.

5 As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of
10 success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just
15 not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

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Traverse of Rejection of claims 19, 43, 75, and 95

The Examiner has rejected claims 19, 43, 75, and 95, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 19**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator's database includes a personal finance database of the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database.

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19. *(Previously presented) The data processing system recited in Claim 18,
wherein the loan originator's database includes a personal finance database
of the loan customer.*

15

The Applicant disagrees. The Applicant finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

20

The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database. However, the Examiner has not cited prior art nor provided substantial evidence teaching or suggesting this motivation to modify this reference, which particularly in light of the article "Stay in Tune with RESPA" is required based upon MPEP 2114.03: "It would not be appropriate for the examiner to

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take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 19, is dependent upon 18, which depends upon 1. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 43**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator’s database includes a personal finance database of the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator’s database include a personal finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database.

43. *(Previously presented) The method recited in Claim 42,
 wherein loan originator’s database includes a personal finance database of
 the loan customer.*

The Applicant disagrees. The Applicant finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the
5 Figures nor in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal
10 finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of "Staying in Tune with RESPA" the MPEP in 2114.03 states "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where
15 the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

Claim 43 is dependent upon 42, which depends upon 32. As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or
20 suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in
25 Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt

need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 75**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator's database includes a personal finance database of the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database.

75. *(Previously presented) The data processing system recited in Claim 74, wherein the loan originator's database includes a personal finance database of the loan customer.*

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The Applicant disagrees. Claim 75 is dependent upon 74, which depends upon 65. The Examiner has given no reason to reject the root claim, which calls out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are some of the parties that "Stay in Tune with RESPA" singles out in warning to avoid regarding this federal law, and which the Examiner's stated experiences did not touch upon.

The Applicant further finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal

finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 95**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator’s database includes a personal finance database of the loan customer. The Examiner finds that Tengal teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator’s database include a personal finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database.

95. *(Previously presented) The method recited in Claim 94,
 wherein loan originator's database includes a personal finance database of
 the loan customer.*

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. Claim 95 is dependent upon 94, which depends upon 84. The Examiner has given no reason to reject the root claim, which calls out the loan originator as at least one of a real estate broker, a real estate agent, a home builder, an FSBO, and/or a relocation company. Further, these are parties that "Stay in Tune with RESPA" singles out in warning to avoid regarding this federal law, and
10 which the Examiner's stated experiences did not touch upon.

The Applicant further finds that Tengel does not teach mortgage origination through a loan originator distinct from the loan customer, the loan broker and the lender. Consider Figure 1 of Tengel. There are consumer terminals and lender terminals. There are no distinct loan originator
15 terminals. There are no distinct loan broker terminals. Nowhere in the Figures or in the text of this patent are these distinct elements shown, disclosed, taught or suggested.

The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator's database include a personal
20 finance database of the loan customer and to modify in Fraser because such a modification would allow Fraser to have a specification of borrower attributes stored in a database. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of "Staying in Tune with RESPA" the MPEP in 2114.03 states "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where
25 the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan
30 customer, the loan broker and the lender as claimed and nowhere is there a written teaching or

suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
5 motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a
10 mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 20, 55 and 103

The Examiner has rejected claims 20, 55 and 103, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 20**, the Examiner states that Fraser fails to teach the data processing system of Claim 19, wherein the loan originator is the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator as the loan customer and to modify in Fraser because such a modification would allow Fraser to place the loan acceptance criteria in the database.

20. *(canceled)*

15 The Applicant disagrees with rejecting a claim cancelled in previous office action responses.

Regarding **Claim 55**, the Examiner states that Fraser fails to teach the data processing system of Claim 19, wherein the loan originator is the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator as the loan customer and to modify in Fraser because such a modification would allow Fraser to place the loan acceptance criteria in the database.

25 55. *(Previously presented) The method recited in Claim 32,
wherein the loan application includes an estimate of the loan origination fee;
wherein the method is further comprised of the step of:
the loan customer paying the loan origination fee.*

30 The Applicant disagrees. The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator as the

loan customer and to modify in Fraser because such a modification would allow Fraser to place the loan acceptance criteria in the database. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these Claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 103**, the Examiner states that Fraser fails to teach the data processing system of Claim 19, wherein the loan originator is the loan customer. The Examiner finds that Tengel teaches this (col. 5, lines 12-19). The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator as the loan customer and to modify in Fraser because such a modification would allow Fraser to place the loan acceptance criteria in the database.

103. (Previously presented) The method recited in Claim 84,

wherein the loan application includes an estimate of the loan origination fee;
wherein the method is further comprised of the step of:
the loan customer paying the loan origination fee.

5 The Applicant disagrees. The Examiner has stated that it would have been obvious for one having ordinary skill in the art at the time the invention was made to have the loan originator as the loan customer and to modify in Fraser because such a modification would allow Fraser to place the loan acceptance criteria in the database. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in
10 Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

 Claim 103 is dependent upon 84, for which the Examiner has given no reason for rejecting.
15 Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

20

 As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the
25 loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic
30 standard of competence being applied by the Examiner, possibly due to her profession, she may just

not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 22, 45, 76 and 96

The Examiner has rejected claims 22, 45, 76 and 96, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 22**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for collecting data not already possessed is further comprised of: means for data entry making assumptions that require a minimum data fields be entered by the loan originator (col. 3, lines 46-67 and col. 5, lines 34-44). The Examiner has reasoned that fields are
10 inherent to a relational database as is well known in the database art.

22. *(Previously presented) The data processing system recited in Claim 1,
wherein the means for collecting data not already possessed is further
comprised of:*

15

*means for data entry making assumptions that require a minimum data fields
be entered by the loan originator.*

20

The Applicant disagrees. Having fields is not the same as minimizing the data fields to be entered. The Examiner has not provided a prior art reference nor an observation of her own calling
out such a minimization.

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The Applicant further finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 45**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for collecting data not already possessed is further comprised of: means for data entry making assumptions that require a minimum data fields be entered by the loan originator (col. 3, lines 46-67 and col. 5, lines 34-44). The Examiner has reasoned that fields are inherent to a relational database as is well known in the database art.

45. *(Previously presented) The method recited in Claim 33, further comprising the step of:*

providing data entry which makes assumptions that require a minimum data fields be entered by the loan originator to collect the data not previously possessed regarding the loan customer.

The Applicant disagrees. Having fields is not the same as minimizing the data fields to be entered. The Examiner has not provided a prior art reference nor an observation of her own calling out such a minimization.

The Applicant further finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 76**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for collecting data not already possessed is further comprised of: means for data entry making assumptions that require a minimum data fields be entered by the loan originator (col. 3, lines 46-67 and col. 5, lines 34-44). The Examiner has reasoned that fields are inherent to a relational database as is well known in the database art.

76. *(Previously presented) The data processing system recited in Claim 65,
 wherein the means for collecting data not already possessed is further
 comprised of:
 means for data entry making assumptions that require a minimum data fields
5 be entered by the loan originator.*

The Applicant disagrees. Having fields is not the same as minimizing the data fields to be entered. The Examiner has not provided a prior art reference nor an observation of her own calling out such a minimization.

10

The Applicant further finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender
15 entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

The Examiner has not provided a reason for rejecting the parent claim 65. Yet that claim calls
20 out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article "Stay in Tune with RESPA" warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

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As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the
30 loan originator and that such payment meets the requirements of RESPA. There is no expectation of

success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 96**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for collecting data not already possessed is further comprised of: means for data entry making assumptions that require a minimum data fields be entered by the loan originator (col. 3, lines 46-67 and col. 5, lines 34-44). The Examiner has reasoned that fields are inherent to a relational database as is well known in the database art.

96. (Previously presented) The method recited in Claim 85, further comprising the step of:

providing data entry which makes assumptions that require a minimum data fields be entered by the loan originator to collect the data not previously possessed regarding the loan customer.

The Applicant disagrees. Having fields is not the same as minimizing the data fields to be entered. The Examiner has not provided a prior art reference nor an observation of her own calling out such a minimization.

The Applicant further finds that Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan

originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

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Claim 96 is dependent upon 85, which depends upon 84. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were
10 professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan
15 customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or
20 motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a
25 mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 23, 46, 77, and 97

The Examiner has rejected claims 23, 46, 77, and 97, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

5

Regarding **Claim 23**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for determining which forms are appropriate to the loan application (col. 1, lines 22-46).

10 23. *(Previously presented) The data processing system recited in Claim 1,
 wherein the means for generating the loan application is further comprised
 of:
 means for determining which forms are appropriate to the loan application.*

15 The Applicant disagrees. As argued in Claim 1, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.
20 Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

 As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan
25 customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
30 motivation either in the cited references or in the knowledge generally available to one of ordinary

skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 46**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for determining which forms are appropriate to the loan application (col. 1, lines 22-46).

*46. (Previously presented) The method recited in Claim 33,
wherein the step generating the loan application is further comprising the
step of:
using the loan originator computer to automatically determine which forms
are appropriate for the loan application.*

The Applicant disagrees. Claim 46 is dependent upon 33, which depends upon 32. As argued in Claim 1 and 32, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the

loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 77**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for determining which forms are appropriate to the loan application (col. 1, lines 22-46).

*77. (Previously presented) The data processing system recited in Claim 65, wherein the means for generating the loan application is further comprised of:
means for determining which forms are appropriate to the loan application.*

The Applicant disagrees. Claim 77 is dependent upon 65. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article "Stay in Tune with RESPA" warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As argued in Claim 1 and 32, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan

originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

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As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

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Regarding **Claim 97**, the Examiner states that Fraser teaches the data processing system of Claim 1, wherein the means for generating the loan application is further comprised of: means for determining which forms are appropriate to the loan application (col. 1, lines 22-46).

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*97. (Previously presented) The method recited in Claim 85,
wherein the step generating the loan application is further comprising the
step of:
using the loan originator computer to automatically determine which forms
are appropriate for the loan application.*

30

The Applicant disagrees. Claim 97 is dependent upon 85, which depends upon 84. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As argued in Claim 1 and 32, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Appl. No.: 09/349,517
Amendment dated: April 28, 2007
Reply to Office action of August 28, 2006

Traverse of Rejection of claims 24, 48, 78, and 98

The Examiner has rejected claims 24, 48, 78, and 98, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347).

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Regarding **Claim 24**, the Examiner states that Fraser and Tengel fail to teach the data processing system of Claim 1, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator, which the Examiner asserts is taught by Graff (col. 16, lines 35-54). The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengel because such a modification would allow Fraser and Tengel to have a disclosure document for securities purposes.

15 24. *(Previously presented) The data processing system recited in Claim 1, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator.*

20 The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengel because such a modification would allow Fraser and Tengel to have a disclosure document for securities purposes. However, there has been no citation of prior art nor presentation of
25 substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 48**, the Examiner states that Fraser and Tengel fail to teach the data processing system of Claim 1, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator, which the Examiner asserts is taught by Graff (col. 16, lines 35-54). The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengel because such a modification would allow Fraser and Tengel to have a disclosure document for securities purposes.

48. *(Previously presented) The method recited in Claim 32,
wherein the disclosure documents include a notice disclosure statement
further including an estimate of the loan origination fee to be paid to the loan
originator.
wherein the method is further comprised of the step of:
the loan customer paying the loan origination fee.*

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and
5 Tengel because such a modification would allow Fraser and Tengel to have a disclosure document for securities purposes. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are
10 not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or
15 suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary
20 skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for
25 the inventors in the mortgage business.

Regarding **Claim 78**, the Examiner states that Fraser and Tengel fail to teach the data processing system of Claim 1, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator,
30 which the Examiner asserts is taught by Graff (col. 16, lines 35-54). The Examiner asserts that it

would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengal because such a modification would allow Fraser and Tengal to have a disclosure document for securities purposes.

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78. *(Previously presented) The data processing system recited in Claim 65, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator.*

10

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengal because such a modification would allow Fraser and Tengal to have a disclosure document for securities purposes. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

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Claim 78 is dependent upon 65. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

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As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or

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suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 98**, the Examiner states that Fraser and Tengal fail to teach the data processing system of Claim 1, wherein the disclosure documents include a notice disclosure statement further including an estimate of the loan origination fee to be paid to the loan originator, which the Examiner asserts is taught by Graff (col. 16, lines 35-54). The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengal because such a modification would allow Fraser and Tengal to have a disclosure document for securities purposes.

98. *(Previously presented) The method recited in Claim 84,
 wherein the disclosure documents include a notice disclosure statement
 further including an estimate of the loan origination fee to be paid to the loan
 originator.
 wherein the method is further comprised of the step of:
 the loan customer paying the loan origination fee.*

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have the disclosure documents further include an

estimate of the loan origination fee to be paid to the loan originator and to modify Fraser and Tengel because such a modification would allow Fraser and Tengel to have a disclosure document for securities purposes. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 98 is dependent upon 84. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 25, 50, 60, 79, 83, and 100

The Examiner has rejected claims 25, 50, 60, 79, 83, and 100, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business terms.

Regarding **Claim 25**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments.

25. *(Previously presented) The data processing system recited in Claim 1, further comprising:
means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan.*

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 50**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments.

50. *(Previously presented) The method recited in Claim 32, further comprising the step of:*

using a computer to analyze the financial market to determine when there is financial advantage to refinancing a current loan for the loan customer.

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market

to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in
5 Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken
10 individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence
15 to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to
20 mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 60**, the Examiner states that Fraser fails to teach the data processing system
25 of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate
30 and whether it was worth refinancing a current loan to lower the payments.

60. *(Previously presented) The data processing system recited in Claim 1, further comprising:*

*means for analyzing the financial market to determine when there is financial
5 advantage to the loan customer for refinancing a current loan for the loan customer.*

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because
10 such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well
15 known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or
20 suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary
25 skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for
30 the inventors in the mortgage business.

Regarding **Claim 79**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments.

79. *(Previously presented) The data processing system recited in Claim 65, further comprising:*

means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan.

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 79 is dependent upon 65. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 83**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments.

83. *(Previously presented) The data processing system recited in Claim 65, further comprising:*

means for analyzing the financial market to determine when there is financial advantage to the loan customer for refinancing a current loan for the loan customer.

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having

ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 83 is dependent upon 65. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 100**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, further comprising: means for analyzing the financial market to determine when there is financial advantage to refinancing a current loan. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments.

100. (Previously presented) The method recited in Claim 84, further comprising the step of:
using a computer to analyze the financial market to determine when there is financial advantage to refinancing a current loan for the loan customer.

The Applicant disagrees. The Examiner asserts that it would have been obvious to one having ordinary in the art at the time the invention made to have a means for analyzing the financial market to determine when there is an advantage to refinancing a current loan and to modify Fraser because such a modification would allow Fraser to know the percentage rate and whether it was worth refinancing a current loan to lower the payments. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Claim 100 is dependent upon 84. The Examiner has not provided a reason for rejecting the root claim. Yet the root claim calls out the loan originator distinct from the loan customer and the loan broker and is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. These were professions to which the article “Stay in Tune with RESPA” warns about, and to which the Examiner has been unsuccessful at finding a prior art reference or substantial evidence to refute.

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 27, 52 and 62

The Examiner has rejected claims 27, 52 and 62, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business
5 terms.

Regarding **Claim 27**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. The Examiner
10 asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in return for a commission and to
15 have a state license.

27. *(Previously presented) The data processing system recited in Claim 1,
 wherein the loan originator is at least one member of the collection
 comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and
20 a relocation company.*

The Applicant disagrees. The Examiner asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and
25 that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in return for a commission and to have a state license. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to
30 take official notice of facts without citing a prior art reference where the facts are asserted to be well

known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 52**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. The Examiner asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in return for a commission and to have a state license.

52. *(Previously presented) The method recited in Claim 32,*

wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company.

5 The Applicant disagrees. The Examiner asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in
10 return for a commission and to have a state license. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

15 As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the
20 loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic
25 standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 62**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company. The Examiner asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in return for a commission and to have a state license.

62. *(Previously presented) The data processing system recited in Claim 1, wherein the loan originator is at least one member of the collection comprising: a real estate broker, a real estate agent, a home builder, an FSBO, and a relocation company.*

The Applicant disagrees. The Examiner asserts that the Dictionary of Business terms teaches a real estate broker (page 566), a real estate agent (page 566), a home builder, an FSBO (page 252), and a relocation company. The Examiner asserts these terms all well known in the business art and that it would have been obvious for a skilled artisan to modify Fraser because being a member of this collection would entitle Fraser to arrange for the sale or purchase of property for a buyer or seller in return for a commission and to have a state license. However, there has been no citation of prior art nor presentation of substantial evidence to support this motivation, and in the presence of “Staying in Tune with RESPA” the MPEP in 2114.03 states “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts are asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

As stated for Claims 1 and 32, the Applicant finds that all the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the

loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 28, 53, 63, 80 and 101

The Examiner has rejected claims 28, 53, 63, 80 and 101, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business terms.

Regarding **Claim 28**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney. The Examiner asserts that the Dictionary of Business terms teaches the financial planning professional collection comprising: a financial planner (page 257), a CPA (page 98), a broker, a dealer, a broker and dealer (page 51), a stock broker (page 576), an insurance broker, an insurance agent, an insurance broker and agent (page 341 and 342), and an attorney. The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to be an employee member broker/dealer who acts as an account executive for clients.

28. *(Previously presented) The data processing system recited in Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney.*

The Applicant disagrees. In light of the article "Stay in Tune with RESPA", the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and

qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

5

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA.

10 There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due
15 to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

20 Regarding **Claim 53**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney. The Examiner asserts that the Dictionary of Business terms teaches the financial planning professional
25 collection comprising: a financial planner (page 257), a CPA (page 98), a broker, a dealer, a broker and dealer (page 51), a stock broker (page 576), an insurance broker, an insurance agent, an insurance broker and agent (page 341 and 342), and an attorney. The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to be an employee member
30 broker/dealer who acts as an account executive for clients.

53. *(Previously presented) The method recited in Claim 32,*
 wherein the loan originator is at least one member of the financial planning
 professional collection comprising: a financial planner, a CPA, a broker, a dealer,
5 *and a broker and dealer, a stock broker, an insurance broker, an insurance agent, an*
 insurance broker and agent, and an attorney.

The Applicant disagrees. In light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser
10 as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or
15 operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan
20 originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”.
25 There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the

labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 63**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney. The Examiner asserts that the Dictionary of Business terms teaches the financial planning professional collection comprising: a financial planner (page 257), a CPA (page 98), a broker, a dealer, a broker and dealer (page 51), a stock broker (page 576), an insurance broker, an insurance agent, an insurance broker and agent (page 341 and 342), and an attorney. The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to be an employee member broker/dealer who acts as an account executive for clients.

63. *(Previously presented) The data processing system recited in Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney.*

The Applicant disagrees. In light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or

suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

5 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA".
10 There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the
15 labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 80**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the financial planning professional
20 collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney. The Examiner asserts that the Dictionary of Business terms teaches the financial planning professional collection comprising: a financial planner (page 257), a CPA (page 98), a broker, a dealer, a broker and dealer (page 51), a stock broker (page 576), an insurance broker, an insurance agent, an
25 insurance broker and agent (page 341 and 342), and an attorney. The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to be an employee member broker/dealer who acts as an account executive for clients.

30 80. *(Previously presented) The data processing system recited in Claim 65,*

wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and an attorney.

5

The Applicant disagrees. This Claim is dependent upon Claim 65, for which the Examiner has provided no reason for rejection. Without such a reason, the parent claim must be allowable and this claim must also be allowable.

10 Assuming that the parent claim is rejected, and in light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no
15 distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be
20 visible in the Figures.

 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan
25 origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these
30 claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due

to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

5

Regarding **Claim 101**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is at least one member of the financial planning professional collection comprising: a financial planner, a CPA, a broker, a dealer, a broker and dealer, a stock broker, an insurance broker, an insurance agent, an insurance broker and agent, and
10 an attorney. The Examiner asserts that the Dictionary of Business terms teaches the financial planning professional collection comprising: a financial planner (page 257), a CPA (page 98), a broker, a dealer, a broker and dealer (page 51), a stock broker (page 576), an insurance broker, an insurance agent, an insurance broker and agent (page 341 and 342), and an attorney. The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would
15 have been obvious to modify Fraser because such a modification would allow Fraser to be an employee member broker/dealer who acts as an account executive for clients.

*101. (Previously presented) The method recited in Claim 84,
wherein the loan originator is at least one member of the financial planning
20 professional collection comprising: a financial planner, a CPA, a broker, a dealer,
and a broker and dealer, a stock broker, an insurance broker, an insurance agent, an
insurance broker and agent, and an attorney.*

The Applicant disagrees. This Claim is dependent upon Claim 84, for which the Examiner
25 has provided no reason for rejection. Without such a reason, the parent claim must be allowable and this claim must also be allowable.

Assuming that the parent claim is rejected, and in light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the
30 motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination

through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.

5 Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of this patent, they would be visible in the Figures.

10 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the

15 standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her

20 colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 29, 54, 64, 81, 102, and 107

The Examiner has rejected claims 29, 54, 64, 81, 102, and 107, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business terms.

Regarding **Claim 29**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

29. *(Previously presented) The data processing system recited in Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union.*

The Applicant disagrees. In light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer, because if such were part of the Fraser patent, they would be visible in the Figures.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA.

5 There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due
10 to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

15 Regarding **Claim 54**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these
20 terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

25 *54. (Previously presented) The method recited in Claim 32,
wherein the loan originator is a member of the financial institution collection
comprising a bank, a savings and loan, a thrift, and a credit union.*

The Applicant disagrees. In light of the article "Stay in Tune with RESPA", the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct
30 from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers

as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer, because if such were part of the Fraser patent, they would be visible in the Figures.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 64**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

64. *(Previously presented) A system implementing the method of Claim 32, comprising at least one computer performing at least one step of the method.*

5 The Applicant disagrees. In light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and
10 qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer, because if such were part of the Fraser patent, they would be visible in the Figures.

15 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the
20 standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her
25 colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 81**, the Examiner states that Fraser fails to teach the data processing system
30 of Claim 1, wherein the loan originator is a member of the financial institution collection comprising

a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

81. (Previously presented) The data processing system recited in Claim 65, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union.

The Applicant disagrees. This Claim is dependent upon Claim 65, for which the Examiner has provided no reason for rejection. Without such a reason, the parent claim must be allowable and this claim must also be allowable.

Assuming that the parent claim is rejected, and in light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of the Fraser patent, they would be visible in the Figures.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA.

There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 102**, the Examiner states that Fraser fails to teach the data processing system of Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

*102. (Previously presented) The method recited in Claim 84,
wherein the loan originator is a member of the financial institution collection
comprising a bank, a savings and loan, a thrift, and a credit union.*

The Applicant disagrees. This Claim is dependent upon Claim 84, for which the Examiner has provided no reason for rejection. Without such a reason, the parent claim must be allowable and this claim must also be allowable.

Assuming that the parent claim is rejected, and in light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination

through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent.

5 Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating a computer as a loan originator computer, because if such were part of the Fraser patent, they would be visible in the Figures.

10 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the

15 standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her

20 colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 107**, the Examiner states that Fraser fails to teach the data processing

25 system of Claim 1, wherein the loan originator is a member of the financial institution collection comprising a bank, a savings and loan, a thrift, and a credit union. The Examiner asserts that the Dictionary of Business terms teaches the financial institution collection comprising a bank (page 50), a savings and loan (page 609), a thrift (page 694), and a credit union (page 154). The Examiner asserts that these terms are well known in the business art. And the Examiner asserts that it would

have been obvious to modify Fraser because such a modification would allow Fraser to issue loans and credit.

107. (Previously presented) A system implementing the method of Claim 84,
5 comprising at least one computer performing at least one step of the method.

The Applicant disagrees. This Claim is dependent upon Claim 84, for which the Examiner has provided no reason for rejection. Without such a reason, the parent claim must be allowable and this claim must also be allowable.

10 Assuming that the parent claim is rejected, and in light of the article “Stay in Tune with RESPA”, the Examiner is required to provide a prior art reference teaching or suggesting the motivation for modifying Fraser as she wishes. Further, Fraser does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser.
15 This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested. Nowhere does Fraser teach a loan originator operating
20 a computer as a loan originator computer, because if such were part of the Fraser patent, they would be visible in the Figures.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is
25 there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article “Stay in Tune with RESPA”. There is no suggestion or motivation either in the cited references or in the knowledge generally
30 available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of
5 great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 31, 58, 82, and 105

The Examiner has rejected claims 31, 58, 82, and 105, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business
5 terms.

Regarding **Claim 31**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising a computer accessing memory containing at least one program implementing the means recited in Claim 1. The Examiner states that a memory is inherent to any
10 computer system even though it is not specifically stated in Fraser.

*31. (previously presented) The data processing system recited in Claim 1, further comprising
a computer accessing memory containing at least one program implementing
15 the means recited in Claim 1.*

The Applicant disagrees in that the limitations of the parent claim have not been found in the cited prior art, thus modifying one of them to add this limitation is inappropriate. All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the
20 loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or
25 motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a

mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 58**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising a computer accessing memory containing at least one program implementing the means recited in Claim 1. The Examiner states that a memory is inherent to any computer system even though it is not specifically stated in Fraser.

58. *(Previously presented) A program residing in memory coupled with a computer, implementing the steps recited in Claim 32.*

The Applicant disagrees in that the limitations of the parent claim have not been found in the cited prior art, thus modifying one of them to add this limitation is inappropriate. All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 82**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising a computer accessing memory containing at least one program

implementing the means recited in Claim 1. The Examiner states that a memory is inherent to any computer system even though it is not specifically stated in Fraser.

82. *(Previously presented) The data processing system recited in Claim 65,
further comprising
a computer accessing memory containing at least one program implementing
the means recited in Claim 1.*

The Applicant disagrees in that the Examiner has not provided a reason for rejecting the parent claim, and that must be done before she can build on the parent claim's rejection to reject this claim.

The Applicant disagrees in that the limitations of the parent claim have not been found in the cited prior art, thus modifying one of them to add this limitation is inappropriate. All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 105**, the Examiner states that Fraser teaches the data processing system of Claim 1, further comprising a computer accessing memory containing at least one program

implementing the means recited in Claim 1. The Examiner states that a memory is inherent to any computer system even though it is not specifically stated in Fraser.

105. (Previously presented) A program residing in memory coupled with a
computer, implementing the steps recited in Claim 84.

The Applicant disagrees in that the Examiner has not provided a reason for rejecting the parent claim, and that must be done before she can build on the parent claim's rejection to reject this claim.

The Applicant disagrees in that the limitations of the parent claim have not been found in the cited prior art, thus modifying one of them to add this limitation is inappropriate. All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 33 and 85

The Examiner has rejected claims 33 and 85, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business
5 terms.

Regarding **Claim 33**, the Examiner states that Fraser teaches the step of the loan originator operating a computer as a loan originator computer (col. 3 lines 12-16 and Figure 1 (130 and 120)).

10 33. *(Previously presented) The method of claim 32, further comprising the step of:*

 the loan originator operating a computer as a loan originator computer.

The Applicant disagrees. The Applicant finds that Fraser (US 5,995,947) does not teach
15 mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator
20 distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan
25 origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these
30 claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due

to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

5

Regarding **Claim 85**, the Examiner states that Fraser teaches the step of the loan originator operating a computer as a loan originator computer (col. 3 lines 12-16 and Figure 1 (130 and 120)).

85. *(Previously presented) The method of claim 84, further comprising the step*
10 *of:*
 the loan originator operating a computer as a loan originator computer.

The Applicant disagrees in that the Examiner has not provided a reason for rejecting the parent claim, and that must be done before she can build on the parent claim's rejection to reject this
15 claim.

The Applicant disagrees in that Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no
20 distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

25 All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the
30 standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA".

There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her
5 colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Traverse of Rejection of claims 49, 56, 59, 99, 104, and 106

The Examiner has rejected claims 49, 56, 59, 99, 104, and 106, as being unpatentable over Fraser et al (5,995,947), Tengel et al (5,940,812), and Graff (6,192,347) in view of a Dictionary of Business terms.

Regarding **Claim 49**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

49. *(Currently amended) The loan origination fee to pay the loan originator as a product of the process recited in Claim 48.*

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan origination fee to pay the loan originator as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 56**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

56. *(Currently amended) The loan origination fee to pay the loan originator as a product of the process recited in Claim 55.*

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan origination fee to pay the loan originator as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 59**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

59. *(Previously presented) The loan application as a product of the process recited in Claim 32.*

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan application as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 99**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

99. *(Currently amended) The loan origination fee to pay the loan originator as a product of the process recited in Claim 98.*

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan origination fee to pay the loan originator as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these

claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 104**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

104. (Currently amended) The loan origination fee to pay the loan originator as a product of the process recited in Claim 103.

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan origination fee to pay the loan originator as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA". There is no suggestion or motivation either in the cited references or in the knowledge generally

available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

Regarding **Claim 106**, the Examiner states that Fraser teaches the loan origination fee as a product of the process in Claim 48 (col. 1 lines 10-46).

106. (Previously presented) The loan application as a product of the process recited in Claim 84.

The Applicant disagrees in that the process of the parent claim stands rejected on a faulty argument and Fraser (US 5,995,947) does not teach mortgage origination through a loan originator distinct from the loan broker and the lender. There is no substantial evidence to modify Fraser to create that loan origination and therefore the loan application as a product of that process. Consider Figure 1 of Fraser. This Figure calls out the computers as stations. There are broker stations and lender stations, but no distinct loan originator stations. Consider Figure 2 of Fraser. There are paths for borrower/broker entry, lender entry, accept bid, and qualify borrower. This is the only other figure in the patent. Nowhere are the system interface or operational process of a loan originator distinct from the loan broker shown, disclosed, taught or suggested.

All the cited prior art, taken individually or collectively, does not teach or suggest a loan originator distinct from the loan customer, the loan broker and the lender as claimed and nowhere is there a written teaching or suggestion that the claimed limitations support a legal finding that a loan origination fee paid to the loan originator and that such payment meets the requirements of RESPA. There is no expectation of success in the cited prior art and a lack of public notice meeting the standard of substantive evidence to counter the warnings of the article "Stay in Tune with RESPA".

There is no suggestion or motivation either in the cited references or in the knowledge generally available to one of ordinary skill in the art, to modify and/or combine the reference to make these claims. There is an unrealistic standard of competence being applied by the Examiner, possibly due to her profession, she may just not recognize how much more insightful and trained she and her
5 colleagues are compared to mortgage brokers. These claims address a long felt need to lower the labor costs in originating a mortgage. And last but not least, these claimed elements have been of great commercial success for the inventors in the mortgage business.

New Independent Claims 108, 109, 110 and 117

Claim 108 is a new independent claim to a data processing system similar to Claim 1, where the loan originator is neither the loan broker nor the loan customer and the loan customer is an existing client of the loan originator. The data processing system comprises a means for importing already possessed data by the loan originator regarding the loan customer and the means for generating a loan application uses this already possessed data.

108. (New) A data processing system for managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising:

means for importing already possessed data by the loan originator regarding the loan customer;

means for collecting data regarding the loan customer not previously possessed by the loan originator;

means for generating a loan application for the loan customer based upon the not previously possessed data and the already possessed data, both regarding the loan customer;

means for generating disclosure documents based upon the mortgage loan and the already possessed data and the not previously possessed data regarding the loan customer; and

means for transferring the loan application to the loan broker;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the loan originator is not the loan broker;

wherein the loan originator is not the loan customer; and

wherein the loan customer is an existing client of the loan originator.

The Applicant submits that the discussion found in paragraph [33] of the clean copy specification and the content of Fig. 2 fully enable this claim, and consequently, it does not constitute the introduction of new matter.

5

The Examiner's reasoning for rejecting Claim 1 in the most recent Final Action stated that she was interpreting Claim 1 where the loan customer is a new customer, which cannot be done with this Claim. The arguments stated for Claim 1 by the Applicant are further applicable, providing a further discussion of why this Claim is non-obvious in light of the prior art and the Examiner's recollections used in her argument for combining the references.

10

Claim 109 is a new independent claim to a computerized method similar to Claim 32, where the loan originator is neither the loan broker nor the loan customer and the loan customer is an existing client of the loan originator. The method comprises importing already possessed data by the loan originator regarding the loan customer and generating a loan application using this already possessed data.

109. (New) A computerized method of managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising the steps of:

generating a loan application for the loan customer based upon already possessed data and a not previously possessed data by the loan originator about the loan customer;

generating disclosure documents based upon the mortgage loan, the already possessed data and the not already possessed data regarding the loan customer; and transferring the loan application to the loan broker;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the loan originator is not the loan broker;

wherein the loan originator is not the loan customer; and

wherein the loan customer is an existing client of the loan originator.

The Applicant submits that the discussion found in paragraph [33] of the clean copy specification and the content of Fig. 2 fully enable this claim, and consequently, it does not constitute the introduction of new matter.

The Examiner's reasoning for rejecting Claim 32 in the most recent Final Action stated that she was interpreting Claim 32 where the loan customer is a new customer, which cannot be done

with this Claim. The arguments stated for Claim 32 by the Applicant are further applicable, providing a further discussion of why this Claim is non-obvious in light of the prior art and the Examiner's recollections used in her argument for combining the references.

5 **Claims 110 and 117** are new independent claims based upon Figures 1, 2 and 3A:

110. (New) A data processing system for managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising:

10 *a computer operated by said loan originator;*
 a memory accessibly coupled to said computer;
 a program system comprising program steps residing in said memory;
 wherein said program system comprises the program steps of:

15 *RE-processing when said loan originator is at least one member of the collection comprising a real estate agent and a real estate broker;*

B-processing when said loan originator is at least one member of the collection comprising a home builder and an FSBO;

20 *FP-processing when said loan originator is at least one member of the collection comprising a Certified Public Account (CPA), a financial planner, a broker, a dealer, a broker-dealer, and an attorney;*

FI-processing when said loan originator is at least one member of the collection comprising a bank, a savings and loan, a thrift, and a credit union;

R-processing when said loan originator is a relocation company; and

C-processing when said loan originator is said loan consumer;

25 *wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA").*

30

117. (New) *A data processing system for managing the origination of a mortgage loan by a loan originator in coordination with a loan broker for a loan customer, comprising:*

a computer operated by said loan originator;

a memory accessibly coupled to said computer;

a program system comprising program steps residing in said memory;

wherein said program system comprises the program steps of:

RE-processing when said loan originator is at least one member of the collection comprising a real estate agent and a real estate broker;

B-processing when said loan originator is at least one member of the collection comprising a home builder and an FSBO;

FP-processing when said loan originator is at least one member of the collection comprising a Certified Public Account (CPA), a financial planner, a broker, a dealer, a broker-dealer, and an attorney;

FI-processing when said loan originator is at least one member of the collection comprising a bank, a savings and loan, a thrift, and a credit union;

R-processing when said loan originator is a relocation company; and

C-processing when said loan originator is said loan consumer;

wherein the loan originator provides services necessary for the origination of the mortgage loan and not duplicative of services provided by the loan broker, making a loan origination fee paid to the loan originator at a time of closing on the mortgage loan legally compliant with the guidelines of the Real Estate Settlement Procedures Act ("RESPA");

wherein the program step of RE-processing further comprises the program step of:

RE-preliminary setup of said loan customer with said loan originator, further comprising the program step of:

drawing property information from a local Multiple Listing Service to eliminate the loan originator inputting information into a loan application and at least one disclosure document;

wherein the program step of B-processing further comprises the program steps of:

B-preliminary setup of said loan customer with said loan originator, further comprising the program step of:

5 *pre-configuring a property information for each available lot of a subdivision for the loan originator to reduce input needed for a loan application and at least one disclosure document; and*

10 *B-information interview of said loan customer with said loan originator to create the loan application and the at least one disclosure document, further comprising the program step of:*

inputting information needed for a sale contract for the property and importing the already possessed data into the loan application;

wherein the program step of FP-processing further comprises the program step of:

15 *FP-information interview of said loan customer with said loan originator to create a loan application and at least one disclosure document, further comprising the step of*

transferring the already possessed data to create the loan application;

20 *wherein the program step of C-processing further comprises the program steps of:*

C-preliminary setup of said loan customer, further comprising the program step of

reading at least one data file of the loan customer to create already possessed data;

25 *wherein the data file may be used with at least one member of the collection comprising a tax preparation software, an accounting software, and a financial planning software; and*

C-information gathering by said loan customer to create a loan application and at least one disclosure document, further comprising the program step of

30 *transferring the already possessed data into the loan application and the at*

least one disclosure document.

These claims do not constitute the introduction of new matter in that Figure 1 discloses a computer 12 accessibly coupled to a memory 24 and Figures 2 and 3A disclose the program system as program steps residing in the memory. The specific program steps of the program system do not constitute new matter as can be seen from the following:

“RE-processing when said loan originator is at least one member of the collection comprising a real estate agent and a real estate broker” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3B when the loan originator is a real estate broker and/or real estate agent. Figures 3B to 3E show the RE-processing program step and which are further claimed based upon those Figures in Claim 111 and in Claim 117.

“B-processing when said loan originator is at least one member of the collection comprising a home builder and an FSBO” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3F when the loan originator is a real estate broker and/or real estate agent. Figures 3F to 3I show the B-processing program step and which are further claimed based upon those Figures in Claim 112 and in Claim 117.

“FP-processing when said loan originator is at least one member of the collection comprising a Certified Public Account (CPA), a financial planner, a broker, a dealer, a broker-dealer, and an attorney” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3J when the loan originator is a real estate broker and/or real estate agent. Figures 3J to 3M show the FP-processing program step and which are further claimed based upon those Figures in Claim 113 and in Claim 117.

“FI-processing when said loan originator is at least one member of the collection comprising a bank, a savings and loan, a thrift, and a credit union” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3N when the loan originator is a real estate

broker and/or real estate agent. Figures 3N to 3Q show the FI-processing program step and which are further claimed based upon those Figures in Claim 114.

5 “*R-processing when said loan originator is a relocation company*” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3R when the loan originator is a real estate broker and/or real estate agent. Figures 3R to 3U show the R-processing program step and which are further claimed based upon those Figures in Claim 115.

10 “*C-processing when said loan originator is said loan consumer*” is disclosed through the following: Figure 3A shows the operations and procedures going to Figure 3V when the loan originator is the loan customer. Figures 3V to 3X show the C-processing program step and which are further claimed based upon those Figures in Claim 116 and in Claim 117.

15 The Applicant submits that this Claim is not obvious in terms of the cited prior art nor the Examiner’s recollections of the mortgage loan origination process, in that this data processing system differentiates between the loan origination process for six different types of loan originators, whereas the prior art barely addresses one in any particular piece of prior art.

Request for Telephone Interview:

5 The Applicant requests a telephone interview between Mr. Earle Jennings or Mr. Gregory Smith and the Examiner, should the Examiner find that this patent application is not in condition for allowance.

Conclusion

10 The Applicant believes that the provided arguments address all the rejections raised by the Examiner, and respectfully request that the Claims be allowed. The Applicant further respectfully requests that a timely Notice of Allowance be issued in this case.

15 If we may be of any assistance in this case, please feel free to contact Earle Jennings or Gregory Smith at (510) 742-7417.

/Earle Jennings/

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